

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Lynne McIntyre

Application No.: 10/705,307

Confirmation No.: 4439

Filed: November 10, 2003

Art Unit: 3781

For: RECONFIGURABLE TRAVEL TRUNK

Examiner: T. M. Mai

APPELLANT'S REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This reply brief is being submitted to address new arguments raised by the Examiner in the Examiner's Answer mailed December 14, 2007.

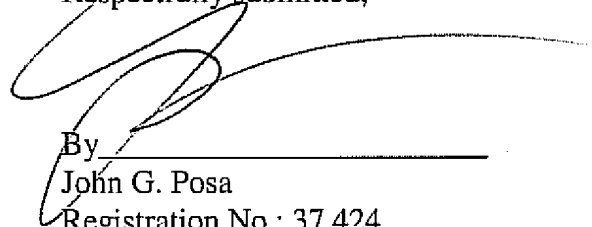
On page 7 of the Examiner's Answer, the Examiner argues that it would be obvious to provide tracks in drawers to Cozens "to provide an alternative means in replacement of the safety pins and strap to store different types of contents. The Examiner submit [sic] that in this art of luggage, one of ordinary skill in the art may not necessarily choose to transport garments." Appellant vigorously disagrees. First, as the apparatus of Cozens already has adequate means to store safety pins and straps, there would be no need for the "alternative means" suggested by the Examiner. Further, it would not be clear to one of skill in the art that the trunk of Cozens would not be used to transport garments. The invention of Cozens "relates to improvements in trunks in which ladies' wearing-apparel may be packed for transportation and during sojourn." (Cozens, lines 7-11). That's the only purpose for which the trunk of Cozens was intended.

The Examiner's reliance on *KSR v. Teleflex, Inc.* is misplaced. This decision by the Supreme Court does not undermine other indicia of nonobviousness, including the basic premise that to render a piece of prior art unfit for its intended purpose, as the Examiner attempts to do in this case with Cozens, fails to establish *prima facie* obviousness, regardless of the *KSR* decision.

Appellant again urges the Board to allow this case.

Dated: February 14, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John G. Posa', written over a horizontal line.

By

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